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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,292	01/03/2002	Thomas Edward Czeaux	338528008US1	8337

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/039,292

**Applicant(s)**

CEZEAUX ET AL.

**Examiner**

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 51-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367) in view of U.S. Patent 6,177,931 to Alexander.

Regarding claim 51, Rangan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on-demand system (see col. 21, lines 23-27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11 lines 40 - 63, col. 11 lines 17 - 26, see col. 15 lines 14 - 18) based on a user profile. In addition, Rangan clearly teaches in col. 12,

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lines 38-48 that: The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for each single one of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. Each and every client SUV may receive any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, in accordance with his, her or their unique (network) identity. (emphasis added).

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving "contest results" is an example of retrieving profile information based on previous usage information. Regarding the claimed, "profile information comprising user specified filtering criteria, the user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out", the Rangan reference discloses access control functionality or "controlled access to information (such as is commonly used to restrict viewing by children)" (see col. 12, lines 42-47).

However, Rangan does not explicitly disclose the claimed, "user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out" nor utilizing previous user purchase information.

The Ellis et al patent teaches an interactive television program guide system with title and description blocking, where a user may set parental control locks for any type of potentially objectionable programming, as well as potentially objectionable material including titles and descriptions of adult programs (see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art to have combined the video-on-demand system of Rangan with the additional teachings of Ellis for the advantage of providing user defined filtering of content within the interactive program guide.

The combination of Rangan and Ellis fails to disclose the use of previous user purchase information.

Alexander discloses a user profiling system which may be run at a headend server or on a local device and is updated at regular intervals (column 29, lines 14-36), a users interactions with television content, as well as Internet content, and past purchases is cataloged and correlated to user characteristics/demographics which are used to target advertising to a user (column 29, line 26-column 30, line 44, column 33, line 44-column 34, line 25) by determining the likelihood a user would buy a car, appliance, whether a user has children, pets and impulse buying habits, advertisements may be sent to a user by narrowcasting a digital watermark to a specific user (column 32, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Rangan and Ellis to utilize the user purchase, and interaction history to correlate demographics and other information about the user, as taught by Alexander, for the advantages of tailoring advertising to the needs and interests of a user, based upon their demographics, and likelihood to purchase items, thereby providing a more accurate portrayal of user interests.

Regarding claim 52, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9, lines 12-21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 53, the claimed "wherein the video is an on-demand movie" is met by the Rangan reference which discloses a video-on-demand system (see col. 21, lines 23-27 for example). A movie is defined as a "motion picture" (see the definition of a "movie" as defined in Merriam-Webster's Collegiate Dictionary on page 760) and a video-on-demand system allows a user to select a motion picture for viewing whenever they choose or at their own convenience.

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Regarding claim 54, Ragan discloses hotspots or hyperlinks are provided for individual video frames (see col. 15, lines 40-47). Necessarily, adding occurs on a frame-by-frame basis.

4. Claims 39-44, 46, 50 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al (US 2002/0059629) and U.S. Patent 6,177,931 to Alexander.

Regarding claims 39 and 46, Ragan discloses a system which modifies a requested video by providing hyperlinks with the video. Ragan discloses a video-on-demand system (see col. 21, lines 23-27). It is noted that Ragan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Ragan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract) and transmitting the interactive hyperlinks to the user (see col. 11, lines 40-63). Ragan still further discloses user-specific hyperlinks (see col. 11, lines 16-25) and targeted hyperlinks (see col. 11, lines 47-53). In addition, Ragan clearly teaches in col. 12, lines 38-48 that:

The present invention thus cooperates with the special server in the custom management of streaming digital video/hypervideo for each single one of potentially thousands and tens of thousands of subscribers/users/viewers (SUVs) upon a digital network communicating, inter alia, hypervideo. Each and every client SUV may receive

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any of (i) video/hypervideo content, (ii) hyperlinks, (iii) services, such as record/storage and playback/replay, (iv) controlled access to information (such as is commonly used to restrict viewing by children), and/or (v) contest results, in accordance with his~ her or their unique (network) identity. (emphasis added)

Therefore, as stated above, each single subscriber/user/viewer (SUV) may receive any of video/hypervideo content, hyperlinks, services, contest results, etc. in accordance with his, her or their unique identity, which meets the claimed, "retrieving profile information for the user, the profile information including previous usage information; [and] dynamically adding interactive content information to the video based upon the profile information." Furthermore, retrieving "contest results" is an example of retrieving profile information based on previous usage information.

Regarding the claimed, "profile information comprising user specified filtering criteria, the user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out", the Rangan reference discloses access control functionality or "controlled access to information (such as is commonly used to restrict viewing by children)" (see col. 12, lines 42-47).

However, Rangan does not explicitly disclose the claimed, "user specified filtering criteria adapted to cause an interactive program guide to be displayed with user-identified information filtered out" nor utilizing a user's prior purchases.



The Ellis et al patent teaches an interactive television program guide system with title and description blocking, where a user may set parental control locks for any type of potentially objectionable programming, as well as potentially objectionable material including titles and descriptions of adult programs (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art to have combined the video-on-demand system of Rangan with the additional teachings of Ellis for the advantage of providing user defined filtering of content within the interactive program guide.

Rangan fails to disclose retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user, nor does Rangan teach utilizing a user's prior purchase history.

In analogous art, Markel teaches providing customized enhancement triggers according to the ATVEF compliant code according to a received profile (see ¶ [0010], ¶ [0030], ¶ [0034]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan and Ellis to include the claimed retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user for the benefit of providing hyperlinking triggers and data using a public standard which can be deployed to a variety of different devices.

The combination of Rangan, Ellis and Markel fails to disclose the use of previous user purchase information.

Alexander discloses a user profiling system which may be run at a headend server or on a local device and is updated at regular intervals (column 29, lines 14-36), a users interactions with television content, as well as Internet content, and past purchases is cataloged and correlated to user characteristics/demographics which are used to target advertising to a user (column 29, line 26-column 30, line 44, column 33, line 44-column 34, line 25) by determining the likelihood a user would buy a car, appliance, whether a user has children, pets and impulse buying habits, advertisements may be sent to a user by narrowcasting a digital watermark to a specific user (column 32, lines 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Rangan, Ellis and Markel to utilize the user purchase, and interaction history to correlate demographics and other information about the user, as taught by Alexander, for the advantages of tailoring advertising to the needs and interests of a user, based upon their demographics, and likelihood to purchase items, thereby providing a more accurate portrayal of user interests.

Regarding claims 40, 43, and 50, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col. 15, lines 40-57, col. 9. lines 12- 21, col. 14, lines 12-34). As a result, Rangan discloses 'evaluating

rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 41, the claimed "wherein the video is an on-demand movie" is met by the Rangan reference which discloses a video-on-demand system (see col. 21, lines 23-27 for example). A movie is defined as a "motion picture" (see the definition of a "movie" as defined in Merriam-Webster's Collegiate Dictionary on page 760) and a video-on-demand system allows a user to select a motion picture for viewing whenever they choose or at their own convenience.

Regarding claim 42, Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col. 11, lines 48-53, abstract).

Regarding claim 44, the combination of Rangan and Markel teach the claimed limitations, wherein Markel teaches the claimed ATVEF information and Rangan teaches e-commerce for buying or purchasing (see col. 11, lines 16-25).

Claims 55-56 are met by the above.

As to claim 57, the Markel reference further discloses the claimed "ATVEF information relates to descriptive information regarding the video" as met by Fig. 2 and ¶'s [0010]-[0013] and [0030]-[0031], where descriptive enhancements or enhanced content related to the video signal being displayed may be presented using ATVEF

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compliant code.

5. Claims 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al (US 2002/0059629) and U.S. 6,177,931 to Alexander, as applied to claims 39 and 46 above, and further in view of Feinleib (USPN 6,637,032).

Regarding claims 45 and 49, the combination of Rangan, Ellis, Markel and Alexander fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In an analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan, Ellis and Markel to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

6. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367), in further view of Markel et al (US 2002/0059629) and U.S. 6,177,931 to Alexander, as applied to claim 46 above, and further in view of Blacketter et al (USPN 6,560,777).

Regarding claims 47 and 48, the combination of Rangan, Ellis, Markel and Alexander fails to disclose the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast.

In analogous art, Blacketter discloses providing updated enhancement information by modifying the enhancement information transmitted (see col. 2, lines 61-67, col. 3, lines 25-42, col. 10, lines 50-54, col. 12, lines 8-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the enhancement data transmitted with the video in the combination of Rangan, Ellis, Markel and Alexander, to include the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast for the benefit of providing a user with updated and most recent ATVEF information.

7. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (USPN 6,154,771), in view of Ellis et al (USPN 6,732,367) and U.S. Patent 6,177,931 to Alexander, in further view of Feinleib (USPN 6,637,032).

Regarding claim 58, Rangan, Ellis and Alexander fail to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col. 7, lines 42-50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan, Ellis and Alexander to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

### ***Conclusion***

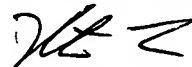
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-

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272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hunter B. Lonsberry  
Primary Examiner  
Art Unit 2623

HBL